

## **REMARKS / ARGUMENTS**

The above-referenced patent application has been reviewed in light of the Office Action. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1 and 2-20 are pending in this application.

### **Claim Rejections – 35 U.S.C. § 103(a)**

Claims 1 and 3-18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 5,905,873 to Hartmann et al. (hereinafter “Hartmann”) in view of U.S. Pub. 2005/0201387 A1 to Willis (hereinafter “Willis”). (See 10/07/10 Office Action, pp. 2-5).

Claim 1 recites:

A method of processing a packet comprising:  
receiving the packet;  
translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple-specific formats, but is different than any one protocol-specific format;  
translating the packet from the canonical packet format to a second protocol-specific format; and  
forwarding the packet.

In relevant part, claim 1 recites “*translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple-specific formats, but is different than any one protocol-specific format*”. The Examiner notes that the generic format of Hartmann does not disclose a canonical packet format, which comprises “*a fixed length generic packet format that can represent multiple-specific formats, but is not the same as any one protocol-specific format*”, as claimed. (See 10/07/10 Office Action, p. 2.) The Examiner proposes a

combination with Willis to cure this failure. However, Applicant submits that Willis is silent with regard to generic formats; instead, Willis discusses multiprotocol encapsulation. (See Willis, *passim*.) Applicant submits that the proposed combination with Willis does not suggest any modification to Hartmann. Specifically, Hartmann already discusses the possibility of embedding of a second packet format as the payload in a first packet format, as follow:

In many instances, a second packet format is embedded or comprised as the payload in a first packet format. For example, a TCP/IP packet is commonly comprised as the payload in an Ethernet packet. In the preferred embodiment, when a second packet format is embedded or comprised as the payload in a first packet format, the packet conversion logic 402 operates to convert the exterior or first packet format to/from the generic packet format, and leave the interior or second packet format unchanged as the payload of the newly created generic packet. Alternatively, the packet conversion logic 402 operates to convert both the exterior or first packet format and the interior or second packet format to/from the generic packet format.

(See Hartmann, col. 14, ll.11-23.) Similarly, Willis discusses a similar process, except without the use of an intermediate translation to a generic packet format, as follows:

FIG. 7 provides a functional diagram that exhibits the lifetime of processing from input to output for a given data stream in the illustrative embodiment...

The illustrative embodiment leverages the infrastructure of SONET/SDH to support multiple data encapsulations...

(See Willis, para. 57.) Therefore, the Applicants respectfully submit that Hartmann and Willis, alone or in combination, neither disclose nor suggest *"translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple-specific formats, but is different than any one protocol-specific format"*, as recited in claim 1.

Second, even considering the possibility of embedding of a second packet format as the payload in a first packet format, Hartmann does not disclose a canonical packet format, which comprises *“a fixed length generic packet format”*, as claimed. (See 10/07/10 Office Action, p. 2). Instead, Hartmann appears to discuss accommodating multiple formats via the source address field having a variable length, the destination address field having a variable length, and the control field having variable length, with or without a second packet format embedded as the payload in a first packet format. (See Hartmann, col. 14, ll.25-49 and Fig. 10.) Further, Willis does not cure Hartmann of this failure. For example, the Examiner refers to paragraph 76 of Willis as disclosing a “canonical packet format comprising a fixed length (AAL5 is an ATM format that uses fixed length cells)”. (See 10/07/10 Office Action, p. 2). However, Willis discusses a variable length AAL5 frame 245, as follows:

...The IP packet may be encapsulated also in an AAL5 (ATM adaptation layer 5) frame. In other words, the IP packet may be transmitted over ATM. FIG. 15 depicts the format of an AAL5 frame 245. The frame 245 contains a payload 246 as well as a trailer 248. The frame 245 may be of variable length...

(See Willis, para. 73.) Therefore, the Applicants respectfully submit that Hartmann and Willis, alone or in combination, neither disclose nor suggest *“translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple-specific formats, but is different than any one protocol-specific format”*, as recited in claim 1.

Third, the proposed combination of the AAL5 format of Willis with Hartmann does not disclose a canonical packet format, which *“can represent multiple-specific formats, but is not the same as any one protocol-specific format”*, as claimed in claim 1.

Specifically, the Examiner has proposed a combination of "Hartmann to include Willis' canonical frames having AAL5 format to allow for multiple format packets to be exchanged over single interconnect." (See 10/07/10 Office Action, p. 3). Applicant submits that the proposed combination incorporating an AAL5-type ATM format of Willis teaches away from a canonical packet format, which *"can represent multiple-specific formats, but is not the same as any one protocol-specific format"*, as claimed in claim 1. As noted by the Examiner, AAL5 "is an ATM format". (See 10/07/10 Office Action, p. 2). Further, Hartmann cites ATM as one of the possible input and/or output types of packet formats. (See Hartmann, col. 3, ll. 22-26 and Fig. 7b.). Accordingly, Applicant submits that the proposed combination incorporating an AAL5-type ATM format of Willis as an intermediate format between input and output packet formats of Hartmann, which include ATM formats teaches away from a canonical packet format, which *"can represent multiple-specific formats, but is not the same as any one protocol-specific format"*, as claimed in claim 1. Therefore, the Applicants respectfully submit that Hartmann and Willis, alone or in combination, neither disclose nor suggest *"translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple-specific formats, but is different than any one protocol-specific format"*, as recited in claim 1.

Accordingly, for the foregoing reasons, it is respectfully submitted that the rejection of claim 1 should be withdrawn. Because claims 2-13, 17, 19 and 20 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Likewise, claims 14-16 and 18 recite similar limitations as compared to claim 1, and are also allowable for the reasons discussed above with reference to claim 1.

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Applicant's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

**Conclusion:**

Applicant respectfully submits that the pending claims are patentable, and accordingly, the application is now in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein. However, please consider this a request for any extension.

The Examiner is invited to call James Lynch at (515) 778-1633 if there remains any issue with allowance of this case.

Respectfully submitted,

Dated: December 10, 2010

/James J. Lynch Reg. No. 50,153/  
James J. Lynch  
Reg. No. 50,153

Omikron IP Law Group  
16325 SW Boones Ferry Road, Suite 204  
Lake Oswego, OR 97035